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OFFICE OF PETITIONS

In re Application of
Millar
Application No. 08/999,752
Filed: June 4, 1997
Title: Medicinal Aerosols and Methods of
Delivery Thereof

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed October 17, 2006.

The petition to withdraw the holding of abandonment is Dismissed.

Any request for reconsideration should be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

This application was held abandoned November 23, 2003 for failure to timely reply to the final Office Action mailed on August 22, 2002. The final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed October 5, 2004.

Petitioner asserts that a reply to the final Office Action was timely submitted on February 24, 2003. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing (37 CFR 1.10), a copy of the reply in the form of a request for Continued Prosecution Application (CPA), and a date stamped post card receipt.

However, in order to make the reply timely a three month extension of time was required. Although a request for a three month extension of time was submitted, a review of the record shows that deposit account 50-0943 contained insufficient funds. Thus the CPA was untimely.

Accordingly the application was properly held abandoned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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Telephone inquiries concerning this matter should be directed to the undersigned at
(571) 272-3215.

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